

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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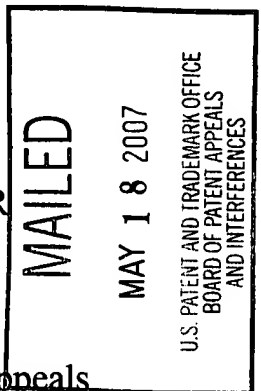
*Ex parte* HERNAN G. OTERO, STEVEN B. HORN, and JOHN TUMILTY

Application 09/773,139  
Technology Center 3600

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on April 18, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, this application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

On June 13, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, pp. 2-3, paragraph 8, the Examiner has failed to list Barber US Patent 6,173,292, *The VNR Investor's Dictionary* (Van Nostrand Reinhold Co., New York, 1981, pp. 150 & 292), *The Times* (Armstrong, P., *Exchanges Closer to Single Stock Market*, *The Times*, Sep. 24, 1999 p. 33), Freeny US Patent 6,594,643, and Martyn US Patent 6,195,647 as applied to the statement of rejections in the Grounds of Rejection, paragraph 9 of the Examiner's Answer.

Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, a listing of *all* references mentioned in

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the Grounds of Rejection, section 9. *See the Manual of Patent Examining Procedure, (MPEP) § 1207.02.* Appropriate correction is required.

Accordingly, it is

*ORDERED* that the application is returned to the Examiner:

- (1) to issue and mail a PTOL-90 which shall include all references mentioned in section 9 (Grounds of Rejection), in accordance with the above instruction; and
- (2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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PJN/hh